

U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-00648-CRC

OCEANA, INC. v. NATIONAL OCEANIC AND
 ATMOSPHERIC ADMINISTRATION et al
 Assigned to: Judge Christopher R. Cooper
 Case: 1:17-cv-00829-CRC
 Cause: 05:552 Freedom of Information Act

Date Filed: 03/21/2018
 Date Terminated: 03/15/2019
 Jury Demand: None
 Nature of Suit: 895 Freedom of
 Information Act
 Jurisdiction: U.S. Government Defendant

Plaintiff

OCEANA, INC.

represented by **Brettney Elaine Hardy**
 EARTHJUSTICE
 50 California Street
 Suite 500
 San Francisco, CA 94111
 (415) 217-2142
 Fax: (415) 217-2040
 Email: bhardy@earthjustice.org
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Christopher D. Eaton
 EARTHJUSTICE
 705 Second Avenue
 Suite 203
 Seattle, WA 98104
 (206) 343-7340
 Fax: (206) 343-1526
 Email: ceaton@earthjustice.org
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Stephen D. Mashuda
 EARTHJUSTICE LEGAL DEFENSE
 FUND
 705 Second Avenue
 Suite 203
 Seattle, WA 98104-1711
 (206) 343-7340
 Fax: (206) 343-7340
 Email: smashuda@earthjustice.org
ATTORNEY TO BE NOTICED

V.

Defendant

**NATIONAL OCEANIC AND
 ATMOSPHERIC ADMINISTRATION**

represented by **Derek S. Hammond**
 U.S. ATTORNEY'S OFFICE FOR THE
 DISTRICT OF COLUMBIA
 555 Fourth Street, NW
 Washington, DC 20530
 (202) 252-2511
 Fax: (202) 252-2599
 Email: derek.hammond@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Benton Gregory Peterson
 U.S. ATTORNEY'S OFFICE FOR THE
 DISTRICT OF COLUMBIA
 555 Fourth Street, NW
 Washington, DC 20530
 (202) 252-2534
 Fax: (202) 252-2599
 Email: benton.peterson@usdoj.gov
 TERMINATED: 02/22/2019

Defendant

**NATIONAL MARINE FISHERIES
 SERVICE**

represented by **Derek S. Hammond**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Benton Gregory Peterson
 (See above for address)
 TERMINATED: 02/22/2019

Date Filed	#	Docket Text
03/21/2018	<u>1</u>	COMPLAINT for <i>Declaratory and Injunctive Relief</i> against ALL DEFENDANTS (Filing fee \$ 400 receipt number 0090-5383247) filed by OCEANA, INC.. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons re: NMFS, # <u>3</u> Summons re: NOAA, # <u>4</u> Summons re: US Attorney General, # <u>5</u> Summons re: US Attorney)(Mashuda, Stephen) (Entered: 03/21/2018)
03/23/2018	<u>2</u>	NOTICE OF RELATED CASE by OCEANA, INC.. Case related to Case No. 17-cv-829. (Mashuda, Stephen) (Entered: 03/23/2018)
03/23/2018	<u>3</u>	Corporate Disclosure Statement by OCEANA, INC.. (Mashuda, Stephen) (Entered: 03/23/2018)
03/26/2018	<u>4</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Brettny Hardy, :Firm- Earthjustice, :Address- 50 California Street, Suite 500, San Francisco, CA 94111. Phone No. - (415) 217-2000. Fax No. - (415) 217-2040 Filing fee \$ 100, receipt number 0090-5388945. Fee Status: Fee Paid. by OCEANA, INC. (Attachments: # <u>1</u> Declaration in Support of Motion, # <u>2</u> Text of Proposed Order)(Mashuda, Stephen) (Entered: 03/26/2018)
03/26/2018	<u>5</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Christopher Eaton, :Firm- Earthjustice, :Address- 705 Second Ave, Suite 203, Seattle, WA 98104. Phone No. - (206) 343-7340. Fax No. - (206) 343-1526 Filing fee \$ 100, receipt number 0090-5388993. Fee Status: Fee Paid. by OCEANA, INC. (Attachments: # <u>1</u> Declaration in Support of Motion, # <u>2</u> Text of Proposed Order)(Mashuda, Stephen) (Entered: 03/26/2018)
03/26/2018		Case Assigned to Judge Christopher R. Cooper. (md) (Entered: 03/26/2018)
03/26/2018	<u>6</u>	SUMMONS (4) Issued Electronically as to NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, U.S. Attorney and U.S. Attorney General. (Attachments: # <u>1</u> Notice and Consent) (tth) (Entered: 03/26/2018)
03/28/2018		MINUTE ORDER granting <u>4</u> and <u>5</u> Motions for Leave to Appear Pro Hac Vice. Signed by Judge Christopher R. Cooper on 3/28/2018. (lccrc2) (Entered: 03/28/2018)
04/03/2018	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 4/2/2018. Answer due for ALL FEDERAL DEFENDANTS by 5/2/2018. (Mashuda, Stephen) (Entered: 04/03/2018)
04/03/2018	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 4/2/2018. (Mashuda, Stephen) (Entered: 04/03/2018)

04/03/2018	<u>9</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION served on 4/2/2018 (Mashuda, Stephen) (Entered: 04/03/2018)
04/03/2018	<u>10</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. NATIONAL MARINE FISHERIES SERVICE served on 3/29/2018 (Mashuda, Stephen) (Entered: 04/03/2018)
04/30/2018	<u>11</u>	MOTION for Extension of Time to File <i>Respond to Complaint</i> by NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (Attachments: # <u>1</u> Text of Proposed Order)(Peterson, Benton) (Entered: 04/30/2018)
05/01/2018	<u>12</u>	RESPONSE re <u>11</u> MOTION for Extension of Time to File <i>Respond to Complaint</i> filed by OCEANA, INC.. (Attachments: # <u>1</u> Text of Proposed Order)(Mashuda, Stephen) (Entered: 05/01/2018)
05/02/2018		MINUTE ORDER granting <u>11</u> Defendants' Motion for Extension of Time. Defendants' response to the complaint shall be due by June 4, 2018. Defendants should be prepared to promptly file a joint proposed schedule for production within 14 days of filing their answer. Signed by Judge Christopher R. Cooper on 5/2/2018. (lccrc2) (Entered: 05/02/2018)
05/03/2018		Set/Reset Deadlines: Answer due by 6/4/2018 (lsj) (Entered: 05/03/2018)
06/04/2018	<u>13</u>	ANSWER to Complaint by NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.(Peterson, Benton) (Entered: 06/04/2018)
06/05/2018		MINUTE ORDER: Before the Court in this FOIA case are a complaint and an answer. Since the requirements of LCvR 16.3 and Rule 26(f) of the Federal Rules of Civil Procedure do not apply, it is hereby ORDERED that the parties shall confer and file a joint proposed schedule for briefing or disclosure by June 19, 2018. Signed by Judge Christopher R. Cooper on 6/5/2018. (lccrc2) (Entered: 06/05/2018)
06/05/2018		Set/Reset Deadlines: Joint Proposed Briefing Schedule due by 6/19/2018 (lsj) (Entered: 06/05/2018)
06/19/2018	<u>14</u>	Joint STATUS REPORT by OCEANA, INC.. (Attachments: # <u>1</u> Text of Proposed Order from Federal Defendants, # <u>2</u> Text of Proposed Order from Plaintiff)(Mashuda, Stephen) (Entered: 06/19/2018)
06/29/2018		MINUTE ORDER: In light of <u>14</u> the parties' joint status report, production shall proceed in this case as follows. By July 17, 2018, Defendants shall produce to Plaintiff all non-exempt, responsive records apart from the approximately 1700 emails referenced in the status report. Defendants shall continue processing those emails and produce any responsive, non-exempt emails and attachments that it has already processed by that same date. The parties shall then meet and confer and, if Plaintiff still seeks further emails, the parties shall by July 23, 2018 file a proposed schedule to govern the further production of the emails. To the extent the parties cannot agree on a schedule, Defendants should also include an agency affidavit regarding their ability to make monthly productions so as to facilitate the Court's determination of a further production schedule. Signed by Judge Christopher R. Cooper on 6/29/2018. (lccrc2) (Entered: 06/29/2018)
06/29/2018		Set/Reset Deadlines: Production of non-exempt records due by 7/17/2018. Meet & Confer Statement due by 7/23/2018. (lsj) (Entered: 06/29/2018)
07/23/2018	<u>15</u>	Joint STATUS REPORT by NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION. (Attachments: # <u>1</u> Text of Proposed Order)(Peterson, Benton) (Entered: 07/23/2018)
07/26/2018		MINUTE ORDER: In light of <u>15</u> the parties' joint status report, production shall proceed as follows: Defendants shall provide a sample of responsive emails and attachments to Plaintiff by July 31, 2018 and shall produce all remaining responsive bycatch records by August 31, 2018. The parties shall file a joint status report by August 14, 2018 concerning the status of email production and a further joint status report by September 14, 2018 updating the Court on the status of production for the

		non-email records and proposing a further schedule, if necessary, for production or briefing. Signed by Judge Christopher R. Cooper on 7/26/2018. (lccrc2) (Entered: 07/26/2018)
07/26/2018		Set/Reset Deadlines: Defendants sample of responsive emails and attachments due by 7/31/2018. Remaining responsive records due by 8/31/2018. Joint Status Report due by 8/14/2018. Further Joint Status Report due by 9/14/2018. (lsj) (Entered: 07/26/2018)
08/14/2018	<u>16</u>	Joint STATUS REPORT by OCEANA, INC.. (Mashuda, Stephen) (Entered: 08/14/2018)
09/14/2018	<u>17</u>	Joint STATUS REPORT by NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION. (Peterson, Benton) (Entered: 09/14/2018)
09/14/2018		MINUTE ORDER: In light of the parties' <u>17</u> joint status report on September 14, 2018, the parties are directed to provide an additional joint status report to the Court on or before October 26, 2018, updating the Court on the status of production and proposing a briefing schedule for any dispositive motions, as warranted. Signed by Judge Christopher R. Cooper on 9/14/2018. (lccrc2) (Entered: 09/14/2018)
09/17/2018		Set/Reset Deadlines: Joint Status Report due by 10/26/2018 (lsj) (Entered: 09/17/2018)
09/18/2018		ENTERED IN ERROR.....Set/Reset Deadlines: Joint Status Report due by 10/26/2018 (lsj) Modified on 9/18/2018 (zlsj). (Entered: 09/18/2018)
10/25/2018	<u>18</u>	Joint STATUS REPORT by OCEANA, INC.. (Mashuda, Stephen) (Entered: 10/25/2018)
10/26/2018		MINUTE ORDER: In light of the parties' <u>18</u> joint status report, the parties shall provide an updated joint status report on or before November 27, 2018, to include a proposed briefing schedule should one be necessary. Signed by Judge Christopher R. Cooper on 10/26/2018. (lccrc2) (Entered: 10/26/2018)
10/26/2018		Set/Reset Deadlines: Joint Proposed Briefing Schedule due by 11/27/2018. Joint Status Report due by 11/27/2018. (znbn) (Entered: 10/26/2018)
11/27/2018	<u>19</u>	Joint STATUS REPORT by NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION. (Peterson, Benton) (Entered: 11/27/2018)
11/28/2018		MINUTE ORDER: In light of the parties' <u>19</u> joint status report, the parties are hereby directed to file an updated joint status report on or before December 27, 2018. Signed by Judge Christopher R. Cooper on 11/28/2018. (lccrc2) (Entered: 11/28/2018)
11/29/2018		Set/Reset Deadlines: Joint Status Report due by 12/27/2018 (lsj) (Entered: 11/29/2018)
12/26/2018	<u>20</u>	Joint STATUS REPORT by OCEANA, INC.. (Hardy, Brettney) (Entered: 12/26/2018)
12/28/2018		MINUTE ORDER: In light of the parties' <u>20</u> joint status report, the parties shall provide an updated joint status report on or before January 27, 2019. Signed by Judge Christopher R. Cooper on 12/28/2018. (lccrc2) (Entered: 12/28/2018)
12/28/2018		Set/Reset Deadlines: Joint Status Report due by 1/27/2019 (lsj) (Entered: 12/28/2018)
01/22/2019	<u>21</u>	MOTION to Stay , MOTION for Extension of Time to <i>in Light of Lapse of Appropriations</i> by NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (Attachments: # <u>1</u> Text of Proposed Order)(Hudak, Brian) (Entered: 01/22/2019)
01/23/2019		MINUTE ORDER granting <u>21</u> Defendants' Motion to Stay. All deadlines in the case shall be stayed pending renewed funding. Signed by Judge Christopher R. Cooper on 1/23/2019. (lccrc2) (Entered: 01/23/2019)
02/01/2019		MINUTE ORDER: In light of the restoration of appropriations, the stay in this case is lifted. The parties shall provide a joint status report on or before February 8, 2019, which shall include a proposed schedule for future proceedings. Signed by Judge Christopher R. Cooper on 2/1/2019. (lccrc2) (Entered: 02/01/2019)

02/05/2019		Set/Reset Deadlines: Joint Status Report due by 2/8/2019 (lsj) (Entered: 02/05/2019)
02/08/2019	<u>22</u>	Joint STATUS REPORT by OCEANA, INC.. (Mashuda, Stephen) (Entered: 02/08/2019)
02/09/2019		MINUTE ORDER: In light of <u>22</u> the parties' joint status report, the following deadlines shall apply: Defendants will provide Plaintiff with information about the search and methods used to identify relevant documents on or before February 22, 2019; and the parties will submit to the Court a joint status report detailing the parties' agreement or positions, which should include a proposed summary judgment briefing schedule if necessary, on or before March 8, 2019. Signed by Judge Christopher R. Cooper on 2/9/2019. (lccrc2) (Entered: 02/09/2019)
02/11/2019		Set/Reset Deadlines: Joint Status Report and Proposed Briefing Schedule due by 3/8/2019 (lsj) (Entered: 02/11/2019)
02/22/2019	<u>23</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Derek S. Hammond on behalf of All Defendants Substituting for attorney Benton G. Peterson (Hammond, Derek) (Entered: 02/22/2019)
03/08/2019	<u>24</u>	Joint STATUS REPORT by OCEANA, INC.. (Mashuda, Stephen) (Entered: 03/08/2019)
03/15/2019	<u>25</u>	STIPULATION of Dismissal by OCEANA, INC.. (Mashuda, Stephen) (Entered: 03/15/2019)